IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 313 OF 2006

Ashok Parsu Waghmare. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.S.A. Ingawale for Applicant.
Ms.Rajeshree M. Gadhavi, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 6, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is seeking bail in a case which is registered at the Atpadi Police Station, Sangli, for the offences punishable under Sections 302, 149 etc. of the IPC. It is alleged that the applicant alongwith three others assaulted the deceased with sticks and axe.

2. It is submitted that all the other accused have been released on bail. It is submitted that the eye witnesses have stated that the applicant had assaulted the deceased with the stick. He further submitted that

there is only one injury found on the person of the deceased. It is submitted that though the other three accused were released on bail on the ground of they were juveniles, yet the statements of the eye witnesses reveal that Ashok Waghmare had assaulted the deceased with a stick. The applicant, therefore, is seeking bail on the ground of parity as well as on the ground that there is only one injury on the body of the deceased.

3. On the other hand, learned APP has submitted that the applicant cannot seek bail on the ground of parity since the other accused was released because he was below 18 years of age and the persons who had allegedly assaulted the deceased with an axe was released because there was no medical evidence to show that there were any injuries caused by an axe.

4. I have considered the submissions made by the learned Counsel for the applicant and learned APP for the State. The evidence thus indicates that there is only one injury on the person of the deceased though the eye witnesses have stated that more than one person had

assaulted the deceased with the sticks. There appears to be variance in the statements of eye witnesses and the medical evidence. In these circumstances, I feel that this is a fit case for grant of bail.

5. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall report to Atpadi Police Station, Sangli, twice in a month.

. Application is disposed of.

. Parties to act on the authenticated copy of this order.

(V.M. KANANDE, J.)